

8852. Adulteration and misbranding of Orange Jooj. U. S. * * * v. The Orange Julep Co., alias Orange Smile Sirup Co., a Corporation. Plea of nolo contendere. Fine, \$200 and costs. (F. & D. No. 11207. I. S. Nos. 6129-r, 6142-r, 6237-r, 6687-r.)

On April 21, 1920, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Orange Julep Co., alias Orange Smile Sirup Co., a corporation, St. Louis, Mo., alleging shipment by said company, in violation of the Food and Drugs Act, on or about October 7, 1918, and November 4, 1918, from the State of Missouri into the State of Louisiana, and on or about November 27, 1918, from the State of Missouri into the States of Tennessee and Illinois, respectively, of quantities of Orange Jooj, which was adulterated and misbranded. The article was labeled in part, "Sirup Manufactured by The Orange Julep Co., St. Louis, Mo."

Analyses of samples by the Bureau of Chemistry of this department showed that the article in the Louisiana shipments was an artificially colored, orange-flavored, cane sugar and commercial glucose sirup preserved with salicylic and benzoic acids and containing little or no orange juice. and that the article in the Tennessee and Illinois shipments was an artificially colored, orange-flavored, cane sugar sirup, containing little or no orange juice.

Adulteration of the article was alleged in the information for the reason that substances composed principally, in the Louisiana shipments, of sugar, glucose, water, salicylic acid, benzoic acid, and artificial coloring matter, and in the Tennessee and Illinois shipments, of sugar, water, benzoic acid, and artificial coloring matter, had been substituted for orange juice sirup, which the article purported to be, and for the further reason that it had been colored in a manner whereby inferiority was concealed. Adulteration of the article in the Louisiana shipments was alleged for the further reason that it contained an added deleterious ingredient which might have rendered it injurious to health.

Misbranding was alleged for the reason that the following statements appearing on the said label, to wit, "Orange Julep Sirup," "Orange Julep," "Johnstone's Orange Jooj," "Juleped Oranges," "It's Cloudy," "That's the Fruit," "Jooj," and "Abbreviation of Johnstone's Original Orange Julep," together with the device of oranges and orange branches on the label, were false and misleading in that they represented to purchasers that the article was an orange juice sirup and was made of oranges, and for the further reason that it was labeled as aforesaid so as to deceive and mislead purchasers into the belief that the article was an orange juice sirup and was made of oranges, whereas, in fact and in truth, it was not an orange juice sirup and was not made of oranges, but was a substance consisting principally, in the case of the Louisiana shipments, of cane sugar, glucose, water, artificial coloring, salicylic and benzoic acids, flavored with orange flavoring, and in the case of the remaining shipments, of cane sugar, water, artificial coloring, and benzoic acid, flavored with orange flavoring, and containing little, if any, orange.

On November 12, 1920, a plea of nolo contendere to the information was entered on behalf of the defendant company, and the court imposed a fine of \$200 and costs.

E. D. BALL, *Acting Secretary of Agriculture.*

8853. Misbranding of Valesco. U. S. * * * v. 41 Bottles, 9 Bottles, and 36 Bottles of Valesco. Default decrees of condemnation, forfeiture, and destruction. (F. & D. Nos. 11517, 11655, 11850. I. S. Nos. 7219-r, 8546-r, 9126-r. S. Nos. C-1597, C-1620, C-1663.)

On November 21, December 6, and December 30, 1919, respectively, the United States attorney for the Southern District of Iowa, acting upon a report by the

Secretary of Agriculture, filed in the District Court of the United States for said district libels for the seizure and condemnation of an article of drugs, labeled in part "Valesco," at Des Moines, Iowa, alleging that the article had been shipped by the Alhosan Chemical Co., on October 24, 1918, and on or about November 14 and November 28, 1919, respectively, and transported from the State of Missouri into the State of Iowa, and charging misbranding in violation of the Food and Drugs Act, as amended.

Analyses of samples of the article by the Bureau of Chemistry of this department showed that it consisted essentially of a solution containing sodium hypophosphite, creosote, and sugar.

Misbranding of the article was alleged in substance in the libels for the reason that certain statements appearing on the bottle label, regarding the therapeutic effects thereof, to wit, (consignment of October 24) "* * * Tuberculosis. Asthma * * * Pneumonia, and all Pulmonary Disorders * * *. Under no circumstances should it be discontinued until recovery is complete," (remaining consignments) "* * * For the Treatment of Tuberculosis, Asthma * * * Pneumonia and Pulmonary Affections. * * * Dosage Tuberculosis, Asthma * * * dose first week. Pneumonia * * * as gravity of case demands * * *," were false and fraudulent since the article contained no ingredient or combination of ingredients capable of producing the effects claimed.

On December 9, 1920, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

E. D. BALL, *Acting Secretary of Agriculture.*

8854. Adulteration and misbranding of spaghetti. U. S. * * * v. 435 Cases of Spaghetti. Consent decree of condemnation and forfeiture. Product released on bond. (F. & D. No. 12243. I. S. No. 14124-r. S. No. E-2028.)

On March 10, 1920, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 435 cases of spaghetti, remaining unsold in the original unbroken packages, at New York, N. Y., alleging that the article had been shipped by the Skinner Mfg. Co., Omaha, Nebr., on or about December 30, 1919, and transported from the State of Nebraska into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "Pilgrim Brand Spaghetti Made by The Skinner Mfg. Co., Omaha, U. S. A."

Adulteration of the article was alleged in the libel for the reason that flour spaghetti, artificially colored with saffron, had been substituted in part therefor, and for the further reason that the article had been colored with saffron in a manner whereby damage and inferiority were concealed.

Misbranding was alleged for the reason that the statement on the label on the packages containing the article, to wit, "Spaghetti," was false and misleading and deceived and misled the purchaser when applied to a product made from flour artificially colored, and for the further reason that the article was an imitation of, and was sold under the distinctive name of, another article, to wit, spaghetti.

On December 16, 1920, William P. Adams, sales manager for the Skinner Mfg. Co., Omaha, Nebr., claimant, having admitted the allegations of the libel except as to added coloring matter and having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that